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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/559,844	04/26/2000	David A. Bishop	MFCP.69390	3019

7590 06/03/2003

Scott B Strohm
Shook Hardy & Bacon LLP
1200 Main Street
Kansas City, MO 64105-2118

EXAMINER

WINTERS, MAREISHA N

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 06/03/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/559,844

Applicant(s)

BISHOP ET AL.

Examiner

Mareisha N. Winters

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-36 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-36 are presented for examination.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-15 and 23-36, drawn to a client computer for use in connection with a client computer system and a remote management machine, classified in class 709, subclass 223.
 - II. Claims 16-19, drawn to communicating between a remote application process and a client applications process in a computer system environment including querying the client and transmitting indicative data, classified in class 709, subclass 219.
 - III. Claims 20 and 21, drawn to communicating between a remote applications process and a client applications process, including transmitting, storing and installing software from the remote applications process to the client applications process, classified in class 717, subclass 176.
 - IV. Claim 22, drawn to communicating between a remote applications process and a client applications process of a server including instructing the client applications process to reboot the server, classified in class 709/227.

3. The inventions are distinct from each other for the following reasons:

Inventions I, II, III and IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are unrelated because:

- Invention I defines the function of a client computer for use in connection with a client computer system and a remote management machine that is not disclosed in Inventions II, III and IV;
- Invention II defines the function of communicating between a remote application process and a client applications process in a computer system environment including querying the client and transmitting indicative data that is not disclosed in Inventions I, III and IV;
- Invention III defines the function of communicating between a remote applications process and a client applications process, including transmitting, storing and installing software from the remote applications process to the client applications process that is not disclosed in Inventions I, II and IV; and
- Invention IV defines the function of communicating between a remote applications process and a client applications process of a server including instructing the client applications process to reboot the server that is not disclosed in Inventions I, II and III.

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

5. These inventions are distinct for the reason given above and the search required for each group is different and not co-extensive for examination purpose. For example, the searches for the two inventions would not be co-extensive because these groups would require different searches on PTO's classification class and subclass as following:

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- a. Group I search (claims 1-15 and 23-36) would require use of search class 709, subclass 223 (not required for Groups II, III and IV).
 - b. Group II search (claims 16-19) would require the search of class 709, subclass 219 (not required for Groups I, III and IV).
 - c. Group III search (claims 20 and 21) would require the search of class 717, subclass 176 (not required for Groups I, II and IV).
 - d. Group IV search (claim 22) would require the search of class 709, subclass 227 (not required for Groups I, II and III).
5. Because these inventions are distinct for the reasons given above and they require different searches, restriction for examination purposes as indicated is proper.
6. Applicants are advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

Conclusion

7. A shortened statutory period for response to this action is set to **expire 1 (one) month and 0 (zero) days** from the mail date of this letter. Fail to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C. 133, M.P.E.P 710.02, 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mareisha N. Winters whose telephone number is (703) 305-7838. The examiner can normally be reached on Monday-Friday, 8:00am-5:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (703) 305-4792. The fax phone numbers for

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the organization where this application or proceeding is assigned are (703) 746-7239 for official communications, (703) 746-7240 for non-official communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Mareisha N. Winters *MW*
Patent Examiner
Art Unit 2153
May 29, 2003


GLENDON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100